

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:21-HC-02239-M

CLIFTON WILLIAM BATTS,

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Petitioner,

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v.

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STATE OF NORTH CAROLINA,

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Respondent.

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ORDER

On January 6, 2023, the court, *inter alia*, dismissed petitioner's habeas petition. Order [D.E. 69]. On January 19, 2023, petitioner filed the instant motion for a certificate of appealability essentially reiterating the claims in his petition, Mot. [D.E. 71], and a notice of appeal [D.E. 72].

A certificate of appealability may issue only upon a "substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). The petitioner must show that reasonable jurists could debate whether the issue should have been decided differently or show that the issue is adequate to deserve encouragement to proceed further. Miller-El v. Cockrell, 537 U.S. 322, 336–38 (2003); Slack v. McDaniel, 529 U.S. 473, 483–84 (2000).

The court already denied a certificate of appealability when it dismissed the petition, Order [D.E. 69] at 28, and petitioner has not shown any reason to reconsider the court's finding that a certificate of appealability is unwarranted, see Fed. R. Civ. P. 59(e); Zinkand v. Brown, 478 F.3d 634, 637 (4th Cir. 2007). Thus, the court DENIES the instant motion [D.E. 71] for lack of merit.

SO ORDERED. This 20th day of January 2023.


RICHARD E. MYERS II
Chief United States District Judge